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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,499	08/22/2003	Daniel S. Choi	217 P 927	9670

7590 10/07/2004

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EXAMINER

TRAN, KHOA H

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/646,499

Applicant(s)

CHOI ET AL.

Examiner

Khoa Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/24/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Drawings

The drawings are objected to because Figure 3 fails to show reference numeral "70a" as described on page 9, line 25; Figure 6 fails to show reference numeral "30", "P1", "P2" and "C0" as described on page 13, line 9, 14, 16, and 17; and Figure 12 fails to show reference numeral "306" as described on page 18, line 26. Correction is required.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: On page 10, line 13, "lower frame member 32" should be --lower frame member 14-- and line 15, "lower frame member 28" should be --lower frame member 14--; on page 11, line 3, "pin 52" should be --pin 70--; on page 16, lines 1-2, and 5, "support member 226" should be --support member 266--; on page 17, line 5, first and second occurrence "securing member 252" should be --securing member 152--; on page 19, line 31, on page 20, lines 12 and 16, and on page 23, lines 3 and 4, "312-318" should be --312, 314, 316, and 318--; on page 20, line 17, "320-324" should be --320, 322, and 324--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 and 8-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlosser et al. (U.S. Patent No. 5,941,229) in view of Swick, Jr. et al. (U.S. Patent No. 3,766,863). Schlosser discloses a barbecue grill frame assembly comprising a shelf extending between a plurality of leg members and cross members. See Figure 1. Swick, Jr. et al. teaches a shelf having a bottom wall (24), a first sidewall, a second

sidewall locates opposite from the first sidewall, the first and second sidewalls each has a quick release spring like members (42) that snap fit onto a cross member (22) in a first position and in a second position when it removed from the cross member. See Figure 5. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the shelf of Schlosser et al. with the provision of a shelf as taught by Swick Jr. et al. in order to have a shelf that requiring no bolts or other type of fastening means for attaching to cross members.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schlosser et al. (U.S. Patent No. 5,941,229) in view of Swick, Jr. et al. (U.S. Patent No. 3,766,863) as applied to claims 1-6 and 8-26 above, and further in view of Hazan (U.S. Patent No. 5,251,973) Hazan teaches a shelf of a wire rack (24). See Figure 3. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the shelf of Schlosser et al. in view of Swick, Jr. et al. to be a shelf of a wire rack as taught by Hazan in order to prevent accumulation of dust and debris on the shelf.

The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. Schlosser et al. ('355), Alden et al., Stephen et al., Marschak, Schrader, Barrineau, III, Shell, Berton et al., F. M. Hill et al., A. B. Gates, Pfeiffer et al. ('158) and ('785), Zellner, III et al., Kern et al., Onori, Kolvites et al., Walter et al., R. J. Koreska, Richardson et al., Michel, Jr. and Woytovich are cited to show a shelf that has similar configurations of design to applicants' invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa Tran whose telephone number is (703) 306-3437.

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The examiner can normally be reached on Monday through Thursday from 9:30 A.M. to 7:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun, can be reached on (703) 308-2156. The fax phone number for this Group before a final Office action is (703) 872-9306 and after a final Office action is (703) 872-9327.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khoa Tran



LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER

September 24, 2004